

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8461-2016 (O&M)
DECIDED ON: 10.09.2025

PARMOD KUMAR GUPTA

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.S.K.Malik, Advocate for the petitioner(s).

Mr. R.D.Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The petitioner has approached this Hon'ble Court under Articles 226/227 of the Constitution of India challenging the arbitrary, illegal, and unjustified order dated 27.04.2006 (Annexure P-14) issued by the respondents, whereby the benefit of the petitioner's previous service rendered in MITC Department, Haryana, from 10.08.1973 to 10.06.1974, has been withdrawn. This has resulted in wrongful reduction in his pay and pension, causing grave prejudice to the petitioner. It is submitted that the impugned order is liable to be quashed being violative of principles of natural justice, equity, and fair play, and also being without jurisdiction, arbitrary, and bad in law.

2. Factual Matrix

The petitioner was initially appointed in the MITC Department, Haryana (a corporation) on 10.08.1973 and worked there till 10.06.1974. Thereafter, he joined as Junior Engineer (JE) in the Irrigation Department of the State of Haryana in July 1974 through a fresh appointment, after having duly resigned from his previous employment. The petitioner served the Irrigation Department diligently and was, in July 2002, transferred to Bhakra Beas Management Board (BBMB), Sundernagar, where he continued to serve until his retirement on 30.06.2006. Vide order dated 14.07.1995, the respondents themselves granted the petitioner the benefit of his past service rendered in MITC Department by re-fixing his pay accordingly. This re-fixation stood accepted and implemented without any challenge or objection for over a decade. Shockingly, on the verge of his retirement, the petitioner was served with the impugned order dated 27.04.2006, withdrawing the said benefit of past service and consequently reducing his pay and pension, without any notice or opportunity of hearing.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that once the matter regarding the benefit of previous service had already been settled in the year 2000, and the benefit duly granted under Rule 4.4(b) of the Punjab Civil Services Rules (CSR), it is wholly illegal, arbitrary, discriminatory, and violative of the principles of natural justice to reopen the same issue and withdraw the said benefit at a later stage, particularly at the time of retirement. Such withdrawal is in contravention of the rules applicable to the petitioner and is liable to be quashed on this ground alone.

The petitioner submits that it is a well-settled principle of law that once an issue has been conclusively settled and benefits have been extended accordingly, the doctrine of promissory estoppel comes into play. The same issue cannot be reopened repeatedly to harass the petitioner. Such repeated reconsideration is not only impermissible but also unfair and oppressive.

It is further submitted that the petitioner has made several representations to the respondents seeking rectification of the illegal, arbitrary, and unconstitutional withdrawal of benefits. However, the respondents have failed to act upon the same and have remained silent, thereby violating the petitioner's fundamental rights guaranteed under Articles 14, 16, and 21 of the Constitution of India. This inaction and indifference on the part of the respondents is illegal and warrants legal scrutiny.

It is argued that the benefit of past service granted to the petitioner in the year 2000 was based on a valid verification process by competent authorities and its subsequent withdrawal is unsupported by any fresh legal or factual development. Thus, such an action, taken without proper justification, is not sustainable in law.

On behalf of State

Learned State Counsel vehemently opposes the petition on the ground that the benefit was erroneously granted to the petitioner and when this came to the notice of the account officer he withdrew it subsequently as it was against the provisions of rule 4.4 of CSR Vol 1 part 1 (Annexure R-2). It is further submitted that the petition suffers from delay and laches as the impugned order was passed way back in the year 2006. However, the petition came to be filed only in the year

2016. Further a reference has been made to the reply dated 05.10.2016, the relevant of which is reproduced below :-

'Thereafter the petitioner submitted a representation to the Account Officer, Karnal seeking that the benefit of past service allowed to him is regular and as per provision of rules. The Account Officer, Karnal reexamined the case with reference to rule 4.4 (b) (iii) as was requested by the petitioner in his representation and found that benefit granted is in order. However it is pertinent to mention here that at the time of retirement service record of the petitioner was scrutinized by the Account Officer, Karnal and he observed that the benefit of past service rendered in erstwhile HSMITC extended towards pay fixation is contrary to the spirit of instructions contained in Finance Department letter No.2179-1PR-74/10587 dated 11.06.1982 and further directions were issued to all Superintending Engineers of Haryana Irrigation Department by the Chief Engineer/SYL, Haryana Irrigation Department vide his letter No. 10424-60/5NGE-II/1719/75 dated 07/12/1982 (Annexure R-1) that the benefit of past service rendered in a corporation can not be granted towards fixing the pay and benefit granted to the petitioner is against the provisions laid down in note 4 of rule 4.4 of CSR Vol 1 Part I (Annexure R-2). The case was also referred to the Competent Authority of the Department for further clarification. The same was examined by the Competent Authority and observed that the benefit of past service rendered by the official in HSMITC granted towards pay is not admissible (Annexure P-14). Clearly the benefit granted to the petitioner is not covered under the rule referred above.

4. *That it is also worth mentioning here that the service record of the petitioner revealed that service rendered by the petitioner in HSMITC from 10.08.1973 to 10.06.1974 is not continued. The service for the period 25.04.1974 to 30.04.1974 was not verified by the authorities of MITC moreover there is another break in service w.e.f 11.6.74 to 18.7.74 as the petitioner resigned on dated 10.6.74 from MITC and joined the Irrigation Department on dated 19.7.74. the*

petitioner joined the Haryana Irrigation & Water Resources Department after tendering his resignation in the previous department of HSMITC. Clearly the case of the petitioner is not covered under the rules 4.4 (b) (iii) in view of the Govt. instructions dated 11.6.74 & primarily Haryana Finance Department instructions dated 11.6.82 as well as under rule note 4 of 4.4. Hence keeping in view the submission made above, the claim of the petitioner deserved to be dismissed.'

4. Analysis

Upon consideration of the submissions made by both parties and a perusal of the records, this Court is of the considered view that the petitioner is not entitled to the relief claimed.

Firstly, the application of Rule 4.4(b) CSR Vol I Part I is subject to the condition of continuity in service between two appointments. In the present case, it is undisputed that the petitioner resigned from HSMITC and was subsequently appointed in the Irrigation Department after a substantial break. The service rendered in HSMITC thus cannot be considered continuous or qualifying for the purpose of pay fixation or pensionary benefit in terms of the applicable rules and instructions.

Secondly, the benefit initially granted in the year 1995 appears to have been extended without a proper legal basis and contrary to Finance Department instructions dated 11.06.1982, which categorically restrict the counting of prior service rendered in public sector undertakings or corporations for pay fixation purposes unless specific conditions are met which are admittedly absent in the petitioner's case.

Thirdly, the petitioner's invocation of natural justice and promissory estoppel is misplaced. The impugned order was passed after scrutiny of service records at the stage of retirement, and there is nothing on record to suggest that the initial grant of benefit had crystallized into a vested right immune from correction, especially when it was made in error and contrary to statutory rules. A mistaken benefit conferred in contravention of rules cannot be allowed to perpetuate merely on the ground of passage of time.

Most significantly, the petition is barred by gross delay and laches. The impugned order was passed on 27.04.2006, whereas the present writ petition has been filed after an inordinate and unexplained delay of ten years, in 2016. The law is well settled that a writ remedy under Article 226 of the Constitution is discretionary and cannot be invoked by a litigant who has slept over his rights.

This Court is reminded of the old but ever-relevant maxim: **“Procrastination is the greatest thief of time.”** Inaction or undue delay in asserting legal rights not only weakens the cause of the petitioner but also causes prejudice to the administration and disrupts settled service records. The petitioner cannot now be permitted to agitate a stale claim, particularly when the delay remains wholly unexplained. The Supreme Court has consistently held that delay and laches dis-entitle a petitioner from discretionary relief under Article 226 of the Constitution, particularly when no satisfactory explanation is provided one of such being the case of **“Chennai Metropolitan Water Supply & Sewerage Board and others v. T.T. Murali Babu, (2014) 4 SCC 108”** wherein the court has held as under:

“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising

an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant, a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

5. **Relief**

In view of the foregoing discussion, this Court finds no merit in the present writ petition. The impugned order dated 27.04.2006 (Annexure P-14) was passed in accordance with applicable rules and after due scrutiny by competent authorities. No case is made out for interference under Article 226 of the Constitution.

Accordingly, the instant petition is hereby dismissed.

(SANDEEP MOUDGIL)
JUDGE

10.09.2025
anuradha

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*